

HOW EVICTION PROCEEDINGS BEGIN: The landlord must begin the eviction process by giving you proper written notice. The number of days notice required varies; it depends on the landlord's reason for evicting you. If you are uncertain whether you have received the correct notice, you should contact a legal advisor for assistance.

BEGINNING THE LEGAL PROCESS You must do what the notice requests by the date shown in the notice. If you do not, the landlord can begin the legal process by filing a complaint with the court. You will then be served with the summons and complaint. You may be served by anyone over the age of 18, a process server or a Deputy Sheriff. The landlord may not serve the paperwork him/herself.

ACT QUICKLY: Once you have been served, you normally have only **five calendar days** to file a response with the court. This may be an answer or other legal pleading. Failure to take timely action may result in a default judgment being entered against you and the eviction process will move forward quickly. . If you do not know what kind of response to file, you should contact a legal advisor for assistance.

IF YOU FAIL TO FILE A RESPONSE: If you do not file a response to the complaint within the time allowed by law, the landlord will file a request to enter default, a clerk's judgment for possession and a writ of possession with the court. The court clerk will give the landlord the documents that s/he will need to take to the Sheriff's Department to evict you.

IF YOU FILE A RESPONSE: You should seek legal advice to determine the

appropriate type of response you should file with the court.

If you file an answer, the landlord will file additional paperwork with the court and a trial date will be set. The court will mail you a notice about the trial date once it has been scheduled.

Ask a legal advisor about what will happen next if you file a motion, demurrer or other papers.

IF YOU LOSE IN COURT: If you lose at trial, the landlord will get the court paperwork s/he needs to complete the eviction. A Deputy Sheriff will give you notice that you only have **five** days to move out of the property. Even though the landlord has a court order, s/he cannot personally evict you. If you do not move out in the five-day period, a Deputy Sheriff will remove you from the property and change the locks.

Under limited circumstances, you may be able to get extra time to move by either speaking with the landlord or by applying for a stay order from the court. You should seek legal counsel if you feel you need additional time and the landlord is unwilling to give it to you.

There are numerous resources available in the community that may be able to help you find new housing or other help. Ask the Self-Help Center staff for assistance.

HOW AN UNLAWFUL DETAINDER ACTION PROCEEDS

(TENANTS)

UNLAWFUL DETAINER SELF-HELP CENTER



**Our mission is to provide
justice, equality and fairness
for all under the law**

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